

## Massachusetts House of Representatives Bill Summary

- Bill #:** H.2250
- Title:** An Act dissolving the Whately Water District
- Sponsor:** Rep. Natalie Blais and Sen. Paul Mark
- Committee:** Municipalities and Regional Government
- Hearing Date:** 5/13/25
- Prior History:** H.4574 OTP as changed (2023-2024) The Inspector General recommended adding transparency provisions of the procurement act Chapter 30B.
- Current Law:** Article 97 of the Amendments to the MA Constitution requires a two-thirds vote of both branches of the Legislature prior to conveying or changing the use of natural resources including water supply land.
- Chapter 433 of the Acts of 1971 established the Whately Water District in the town of Whately. The special legislation was accepted by the voters residing within the territory covered by the water district. The district is governed by a three-member board of water commissioners who are elected by the voters residing within the district during an annual district meeting.
- Chapter 30B Uniform Procurement Act; Section 16 governs the process for disposing of real property by a governmental body. The governmental body must declare the property available for disposition, determine its value, and advertise a solicitation for proposals unless there is a valid reason to shorten or waive the advertising requirement. If the property is disposed of at an amount less than market value, then details of the transaction and reasons for doing so must be published in the Central Register.
- Summary:** Section 1 of this bill authorizes the Whately Water District board of water commissioners to convey any real estate or interest in real estate that is owned or otherwise controlled by the district. The proceeds from the sale of such property would be used to reimburse the customers who had been paying to use the water district's well sources and are now being served by the town's water department.
- Section 2 formally dissolves both the Whately Water District and the board of water commissioners, and the tenure of the water commissioners would end once the actions specified in Section 3 have been completed.
- Section 3 states that Section 2 of the bill shall take effect upon the sale of all real estate interests owned or controlled by the water district have been completed and the proceeds distributed in accordance with Section 1.
- Section 4 provides for the act to take effect immediately.

Notes: According to published reports, the water district currently serves a few town buildings (town hall, library, post office), the Whately Inn and 42 residences in the town center.

According to the water district,

1. There were 45 connections served by the Whately Water District. Those connections are now all served by the Town of Whately Water Department. Property owners were required to pay a \$5,000 connection fee to the town.
2. The District has not yet voted to dissolve but has taken votes about no longer providing water and connecting to the town system, formally abandon the wells and sell the land and equipment. A vote to dissolve the district could take place after the land is sold and the assets distributed to the members of the district, who would receive approximately \$1,000 each.
3. The District has no debts or liabilities. As of 12/31/2023 they had \$22,753.60 in savings.
4. There is one customer who still owes the district approximately \$900. They have promised payment in the next several weeks.
5. The land owned by the Water District consists of 5.98 acres with no frontage on a public way. The land is roughly square and is accessed by a right of way crossing an abutters property. There is a small concrete building (approximately 22' x 32') with a metal roof which housed the pressure tank, pumps and an 18,000 gallon storage tank. The district plans on placing a deed restriction on the property when they sell it to prevent any additional structures beyond the existing footprint of the pump house.